

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WASHINGTON FEDERAL, *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

No. 13-385C  
(Chief Judge Sweeney)

FAIRHOLME FUNDS, INC., *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

No. 13-465C  
(Chief Judge Sweeney)

*\*Additional plaintiffs on following pages*

## DEFENDANT'S UNOPPOSED MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT

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July 27, 2018

Attorneys for Defendant

JOSEPH CACCIAPALLE, *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

BRYNDON FISHER, *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

ARROWOOD INDEMNITY  
COMPANY, *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

BRUCE REID, *et al.*,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

No. 13-466C  
(Chief Judge Sweeney)

No. 13-608C  
(Chief Judge Sweeney)

No. 13-698C  
(Chief Judge Sweeney)

No. 14-152C  
(Chief Judge Sweeney)

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LOUISE RAFTER, *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

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) No. 14-740C  
) (Chief Judge Sweeney)  
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OWL CREEK ASIA I, L.P., *et al.*,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

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) No. 18-281C  
) (Chief Judge Sweeney)  
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AKANTHOS OPPORTUNITY MASTER  
FUND, L.P.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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) No. 18-369C  
) (Chief Judge Sweeney)  
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APPALOOSA INVESTMENT LIMITED  
PARTNERSHIP I, *et al.*,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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) No. 18-370C  
) (Chief Judge Sweeney)  
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CSS, LLC,

Plaintiffs,

V.

THE UNITED STATES,

Defendant.

No. 18-371C  
(Chief Judge Sweeney)

MASON CAPITAL L.P., *et al.*,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

No. 18-529C  
(Chief Judge Sweeney)

DEFENDANT’S UNOPPOSED MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT

Pursuant to Rules 5.4(b)(1) and 7 of the Rules of the United States Court of Federal Claims (RCFC), the United States respectfully requests leave to exceed the page limitation for our forthcoming omnibus motion to dismiss these actions. Pursuant to the Court’s January 12, 2018 and June 21, 2018 scheduling orders, we are filing one omnibus motion to dismiss 12 separate complaints on August 1, 2018. We request leave to file an omnibus brief of up to 85 pages in length, or 45 pages in excess of the 40-page limitation in Rule 5.4(b)(1) of the RCFC. Counsel for plaintiffs in the twelve aforementioned actions state that they do not oppose this motion.<sup>1</sup>

Good cause exists to grant the requested relief. Plaintiffs, owners of common and preferred shares in the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), allege that an amendment to a stock purchase agreement between the Department of the Treasury and the Federal Housing Finance Agency frustrated plaintiffs’ “economic interests” in their Fannie Mae and Freddie Mac stock. Plaintiffs have filed 12 separate complaints in this Court containing over 50 claims, including claims for takings, illegal exaction, breach of fiduciary duty, and breach of contract. Because we are filing an *omnibus* motion to dismiss all 12 complaints for lack of jurisdiction and for failure to state a

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<sup>1</sup> Specifically, Jennifer Connolly consented on behalf of the Washington Federal plaintiffs, Pete Patterson consented on behalf of the Fairholme Funds plaintiffs, Stacey Grigsby consented on behalf of the Cacciapallee plaintiffs, Noah Schubert consented on behalf of the Fisher and Reid plaintiffs, Richard Zuckerman consented on behalf of the Arrowood plaintiffs, Christopher Stanley consented on behalf of the Rafter plaintiffs, and Lawrence Rosenberg consented on behalf of the Owl Creek, Akanthos, Appaloosa, CSS, and Mason Capital plaintiffs.

claim upon which relief can be granted, the additional 45 pages are necessary to meaningfully address plaintiffs' claims and the various arguments meriting their dismissal.<sup>2</sup>

For these reasons, the United States respectfully requests that the Court grant this unopposed motion for leave to exceed the page limitation in Rule 5.4(b)(1) of the RCFC.

Respectfully submitted,

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Acting Deputy Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
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July 27, 2018

Attorneys for Defendant

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<sup>2</sup> Indeed, had we filed separate motions to each of 12 complaints, we would have been entitled to 480 pages of briefing.